

New Background Check Requirements Prior to
Placing a Child in Your Home /
Adam Walsh Child Protection and Safety Act

Frequently Asked Questions for Prospective Foster and Adoptive
Parents, Relatives and Other Suitable Caregivers

What is the Adam Walsh Child Protection and Safety Act?

The Adam Walsh Child Protection and Safety Act of 2006 (PL 109-248) is a federal law that requires states to share more information to better ensure the safety and protection of children. The law requires prospective foster and adoptive parents to have a national fingerprint-based criminal background check and a check of out-of-state records for allegations of child abuse and neglect (if you have lived in another state during the past five years).

What is required for background checks?

The Children's Administration (CA) is required by law to conduct background checks on all prospective out-of-home caregivers and other adults living in your home prior to placing a child with you, approving your foster home license or approving an adoption home study. In the past, CA has done a check of our records for prior allegations of child abuse and neglect and a statewide criminal history check. The DSHS Background Check Central Unit (BCCU) processed the criminal history check.

The Adam Walsh Act requires all states to complete national fingerprint based checks and to search for out-of-state records for allegations of child abuse and neglect when someone has lived in another state during the past five years.

Who will need to have a background check?

CA will continue to require background checks on all prospective relative caregivers, others suitable persons, foster parents and adoptive parents, as well as all other adults in the home, ages 18 and above, respite providers and in-home child care providers.

What is an "other suitable person"?

In 2007 the Washington State Legislature passed House Bill 1377 which allows children in CA's custody to be placed with unlicensed caregivers who are not relatives. The person must have a relationship with the child or family and be approved by the court. The same background check as well as an approved home study are required.

Will my biological child who is between the ages of 16 and 17 need to have a background check?

Yes, but it will not include a fingerprint check. CA does require an in-state background check done by BCCU to be completed for 16- and 17-year-olds living in your home. This does not include youth in foster care. A BCCU check will need to be done when a child in the home turns 16 even if it is as after a child has been placed in your home or you have been approved for a foster home license.

If I became a licensed foster parent prior to July 2007, do I need to have a fingerprint check done again when my licensed is renewed?

No. A new fingerprint check is not required. However, all licensed foster parents will need to have another in-state background check done by BCCU when you go through the re-licensing process. All other adults living in the home and all 16- and 17-year-olds in the home will also need to have an in-state background check at that time as well.

If another adult moves into my home after a child has been placed with me, does that person need to have a background check?

Yes. You are responsible for telling your social worker when someone new moves into your home, if that person is 16 or older. Anyone 18 and older will need to also have a fingerprint check. A child must be moved if someone in the home refuses to go through the background check process, including fingerprints.

How will I get my fingerprints?

Right now CA requires you to take a fingerprint card to a local police station or sheriff's office to get your fingerprints. Your licensor or social worker will give you a card and an authorization form to sign. You will be required to show photo identification to law enforcement before they will take your fingerprints.

Is there a charge for the fingerprints?

Yes. Your local law enforcement agency will most likely charge you around \$10 for each set of fingerprints. Your licensor or social worker will tell you what to do. WSP and the FBI charge a processing fee of \$48 but CA will pay for that charge.

What if I (or another adult in my home) do not want to be fingerprinted?

CA will not be able to place a child in your home, issue a foster parent license or approve an adoption home study if you or any other adult who lives in your home refuses to complete a fingerprint check.

Will I be able to see the results of my FBI or WSP background checks?

CA can provide information on convictions from the FBI and WSP only to the individual named on the authorization form. That person will need to make a request in writing and show proof of identification. You may request a copy of your own background check from WSP directly.

I had to be fingerprinted for my job. Will I be able to use those results?

No. CA is required to complete a check on each individual. We cannot use fingerprints or background check results from somewhere else.

Who should I contact if I have questions?

Contact your licensor or social worker for more information.

If I have a disqualifying crime on my background check, will I be able to provide care for a dependent child?

There are different types of disqualifying crimes, some crimes are permanently disqualifying and some are disqualifying for a certain period of time. Exceptions are not granted often and must be approved by the CA. It is important to talk with your licensor or social worker about these issues.